



**JUDICIAL MERIT SELECTION COMMISSION**  
**Sworn Statement to be included in Transcript of Public Hearings**

**Circuit Court**  
**(New Candidate)**

Full Name: Maurice Anderson Griffith

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1. Why do you want to serve as a Circuit Court judge? I have enjoyed my work as the Aiken County Master in Equity for over seven years. I believe there is some adjustment from private practice to serving in a judicial position. I have learned to deal with the litigants, many of whom are pro se, the attorneys and court personnel in the day to day activities of a judge. I believe that the role of a circuit court judge is crucial to our system of justice. I have been hearing nonjury circuit court cases and would like the challenge of the role a circuit court judge serves in our system.
2. Do you plan to serve your full term if elected? Yes
3. Do you have any plans to return to private practice one day? I have no plans to return to private practice at this time.
4. Have you met the Constitutional requirements for this position regarding age, residence, and years of practice? I am sixty years old and have been admitted to practice law since 1988. I am a United States citizen and have been a resident of South Carolina since 1958.
5. What is your philosophy regarding *ex parte* communications? Are there circumstances under which you could envision *ex parte* communications being tolerated?  
  
Rule 501, SCACR Canon 3B(7) states that the judge shall not initiate, permit or consider any ex parte communications. There are exceptions where ex parte communications are allowed. This procedure should only be used if a judge finds that the ex parte matter will not give any procedural or

tactical advantage to a party in the litigation. The judge also has a responsibility to set out the requirements for notifying other parties to allow the opposing side to respond.

Ex parte communications should be strictly limited to what is allowed under the rule. The Canon provides exceptions for scheduling matters, administrative matters, and emergencies. As the Master in Equity, when an order of reference is signed the equity clerk will contact the parties to schedule the date for the hearing. In approximately 23 years of private practice in civil matters, I did not have any discussions with the judge on scheduling matters unless it was by agreement of both parties. I have had conference calls where both parties have discussed scheduling issues. I believe the judge has the responsibility to make sure that the staff is properly trained not to have any conversation with the parties about the merits of the case.

Emergencies can arise that may require an ex parte hearing. An example is provided in the comments of Rule 501, SCACR, Canon 3, that a motion for temporary injunction pursuant to Rule 65 (b), SCRCP may require an ex parte hearing. In those cases, the judge has to strictly comply with the rule and the Canon for notifying other parties and allowing the opposing side to respond. If at all possible, this type of hearing should be avoided unless there is a clear showing of an emergency nature.

There are also other circumstances outlined in Canon 3 that allow a judge to obtain advice from other judges, a disinterested expert on the law, or to consult with court personnel as long as it is related to the judge's adjudicative responsibility. A judge may also, with the consent of the parties, confer separately with the parties and their lawyers to mediate or settle matters pending before the judge. I believe that exception should be avoided if possible since it creates a difficult situation for the attorneys, the parties, and the judge hearing the case. The usual process is for the judge to hold a meeting with the attorneys to discuss the issues in the case concerning any preliminary matters. I believe Rule 501, SCACR, Canon 2 commentary outlines the requirement of the judge to avoid not only any improprieties in regards to hearing a case but avoid the appearance of impropriety. That duty must be balanced against the requirements in Rule 501, SCACR, Canon 3B(1) that a judge should decide matters assigned to the judge except when disqualification is required.

6. If you disclosed something that had the appearance of bias, but you believed it would not actually prejudice your impartiality, what deference would you give a party that requested your recusal? Would you grant such a motion?

The decision would depend on the details involved in the case. Rule 501 SCACR Canon 2 discusses the judge avoiding the appearance of impropriety. The commentary provides some guidance on the phrase "appearance of impropriety". If the conduct would create in reasonable minds the perception that a judge could not carry out the duties of the office with integrity, impartiality, and competence, the judge should grant the recusal.

7. How would you handle the appearance of impropriety because of the financial or social involvement of your spouse or a close relative?

This would depend on the extent of the interest. Rule 501, Canon 2B SCACR, states that a judge cannot allow family relationships to influence the conduct or judgement in a matter before the court. The court would need to determine if this is a de minimus interest or something that would require the court to recuse itself from the matter. Canon 3E SCACR, requires a judge to disqualify him or herself when the judge's impartiality could be reasonably questioned. The matter should be disclosed to the parties to allow them to consider making a motion for disqualification. All matters related to this issue must be placed on record.

8. What standards would you set for yourself regarding the acceptance of gifts or social hospitality?

Rule 501, SCACR, Canon 4D(5) addresses this issue. One of the issues with accepting any gifts is creating the appearance of an impropriety. This action may also convey the impression that individuals are in a special position to influence a judge. That is why I believe it would be best not to accept gifts from third parties. Canon 4D(5) states that the judge shall not accept gifts and shall urge members of his family residing in the judge's household not to accept any gifts except for a gift incidental to a public testimonial, books, tapes, or other resource materials supplied by publishers on a complimentary basis for official use. A judge may also attend a bar related function or an activity devoted to the improvement of the law in the legal system. An exception is provided for ordinary social hospitality and gifts from relatives or friends on special occasions.

While any of the exceptions allowed are proper according to the rules, a judge should err on the side of caution in accepting gifts even under these exceptions. A judge should advise the staff about accepting any gifts to avoid the same issues.

9. How would you handle a situation in which you became aware of misconduct or appearance of infirmity of a lawyer or of a fellow judge?

Rule 501, SCACR, Canon 3D outlines the responsibility of a judge in regards to disciplinary matters. If a judge receives information that creates a substantial likelihood that another judge has committed a violation of the code, that action would be reported. The same rule discusses the requirements of a judge to report the matter if he feels that an attorney has committed a violation of the Rules of Professional Conduct. Further, if the action by the attorney raises a substantial question as to the honesty, trustworthiness, or fitness as a lawyer, the matter would be reported. The commentary states that a judge may consider the appropriate action to take in those circumstances. That may include direct communication with the judge or lawyer who has committed the violation or reporting the violation to the appropriate authorities.

10. Are you a member of any organization or association that, by policy or practice, prohibits or limits its membership on the basis of race, sex, religion, or national origin? If so, please identify the entity and explain if this organization practices invidious discrimination on any basis.

No

11. Have you engaged in any fund-raising activities with any political, social, community, or religious organizations? Please describe.

I have not participated in any fundraising activities with any political, social, or community agencies. Rule 501, SCACR, Canon 4 discusses what is proper in regards to any extra judicial activities. I believe, in particular, Canon 4C(3)(b) discusses the restriction on the judge personally participating in the solicitation of funds or other fundraising activities.

12. Do you have any business activities that you would envision remaining involved with if elected to the bench?

My current position as the Aiken County Master in Equity is a full time position. I am not involved in any other business activities.

13. If elected, how would you handle the drafting of orders?

I would continue to follow my current procedure. As the Master in Equity I research and prepare the order in most contested matters. I may request the attorneys submit a short memorandum of law on a particular issue. If it

is a motion hearing or a default matter, I may request the prevailing party to prepare the proposed order based on my ruling and provide a copy to the other party. I will then review the order, make any necessary changes and e-file the order. I follow that procedure in many of the foreclosure cases heard in my current position. It is always the judge's responsibility to review the order and make sure it complies with the law and accurately provides a statement of facts and conclusions of law.

14. If elected, what methods would you use to ensure that you and your staff meet deadlines?

In my current position, the Equity Clerk is responsible for setting up the appropriate calendar and scheduling hearings. I would schedule meetings with the Clerk of Court to review the upcoming terms of court and have my staff verify that dockets are scheduled and published in a timely manner. I would set up a system to review when orders, pre-trial briefs, motions or other documents are scheduled to be filed. I find that having meetings to review the calendar/roster is beneficial since matters often settle or may be withdrawn. This allows new matters to be scheduled.

15. What is your philosophy on "judicial activism," and what effect should judges have in setting or promoting public policy?

Black's Law Dictionary defines "judicial activism" as a judicial philosophy where judges depart from the strict adherence to judicial precedent in favor of a progressive and new social policy that may not be consistent with that precedent. I do not believe that a judge should vary from the judicial precedent. This includes decisions by the appellate courts on the particular issues that may be heard and the language of the applicable statute.

16. Canon 4 allows a judge to engage in activities to improve the law, legal system, and administration of justice. If elected, what activities do you plan to undertake to further this improvement of the legal system?

Since being appointed as Master in Equity, I have served as the president of the Master in Equity Association. During that time, I would organized presentations for the Association during various judicial conferences. I was a speaker at the state conference for clerk of courts and organized topics and scheduled speakers for the Masters Bench to Bar CLE in 2014. I would continue to participate in similar activities at the circuit court level to contribute to the improvement of the legal system.



17. Do you feel that the pressure of serving as a judge would strain personal relationships (i.e. spouse, children, friends, or relatives)? How would you address this?

I do not feel that serving as a judge has placed any strain on my personal relationships. I have lived in Aiken County for most of my life. I have lifelong friendships that would require recusal if the parties were involved in a case before the court. I have attended one church for the past 29 years and while I have participated in organizations such as the Jaycees, it has been as a member rather than an officer. I have not participated in this type of organization for a number of years. The obligations and responsibilities have required some explanation and discussions with my wife, children, friends, and relatives of the rules that apply to a judicial official.

18. The following list contains five categories of offenders that would perhaps regularly appear in your court. Discuss your philosophy on sentencing for these classes of offenders.

- a. Repeat offenders: The most important factors would be the facts of the particular case as presented at the trial or during the guilty plea. Our statutory scheme addresses this issue if the case is a second or third offense. The punishment increases with each subsequent offense. If it involves different types of offenses, the court will consider the range of punishment allowed and in many cases I believe the higher end of that range may be appropriate depending on the arguments submitted.
- b. Juveniles (that have been waived to the Circuit Court): The most important factor would be the facts of the particular case as presented at the trial or during the guilty plea. The court should consider all alternatives allowed since the chance for rehabilitation is greater with juveniles. The nature of the charge and the effect on the victims should still be considered.
- c. White collar criminals: Again, depending on the facts, the court will make a determination of the range of punishment allowed by the statute. White collar crimes can have significant effect on the victims. I do not believe that these defendants should be treated differently from other defendants when considering the appropriate sentence. While restitution may be a realistic factor the defendant's should still be sentenced within the statutory range. This includes the effect on the public or the victims.

- d. Defendants with a socially and/or economically disadvantaged background: It is proper when considering the alternatives for sentencing to listen to all of the arguments. I feel that any defendant in this category would be evaluated the same as other defendants. If there are mitigating factors, the court should consider those according to the statute.
- e. Elderly defendants or those with some infirmity: The court may need to consider the burden it could place on the corrections system. The arguments submitted should include records to verify the condition of the party.

19. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality?

I do not receive additional income from any active investments. I have an IRA account and a retirement account. My wife maintains retirement accounts.

20. Would you hear a case where you or a member of your family held a *de minimis* financial interest in a party involved?

The term "de minimus" is defined in the Judicial Conduct Code as an insignificant interest that will not raise a reasonable question as to the judge's impartiality. It refers to SCACR Canon 3D(1)(c) and 3E(1)(d). Rule 3D(1) states that a judge shall disqualify himself if the impartiality of the court might be questioned. Subsection (c) describes the situation where the judge, individually or as a fiduciary, has an immediate family member who resides in the judge's household that has an economic interest in the subject matter and has more than a *de minimus* interest. In those cases, the judge should disqualify himself from the proceedings. The difficult decision for a judge is to determine if the interest meets the definition of *de minimus*. When in doubt, the judge should place the matter on the record and allow the litigants to determine if they wish to make a motion of recusal.

21. Have you met the mandatory minimum hours requirement for continuing legal education courses for the past reporting period?

Yes

22. What do you feel is the appropriate demeanor for a judge and when do

these rules apply?

Rule 501, SCACR, Canon 3B states that a judge will be patient, courteous, and act in a dignified manner when dealing with the parties, attorneys, witnesses, and other parties in the courtroom. This behavior is also expected when dealing with other personnel in the office and the courtroom. The judge should also exhibit the same characteristics when outside the courtroom.

The judge must always act in a manner that complies with the Judicial Code of Conduct. The judge should be aware of any action in his speech or conduct that may be perceived as improper when dealing with any member of the public. The judicial conduct rules dealing with the involvement in organizations, accepting gifts, and being aware of economic interests are all examples that the rules are intended to apply each day for all activities.

23. Do you feel that it is ever appropriate to be angry with a member of the public, especially with a criminal defendant? Is anger ever appropriate in dealing with attorneys or pro se litigants?

Rule 501, SCACR, Canon 3B states that a judge must exhibit proper decorum in the courtroom. If a judge becomes angry with a member of the public, a pro se litigant, a criminal defendant or the attorneys it creates an impression of bias or prejudice in some cases. I do not believe that anger in the form of shouting at a party is proper. A judge has to maintain control of the proceedings. The judge may use sidebar conferences or meet with the attorneys outside of the courtroom if an activity needs to be addressed. I have found that some explanation of the proceedings before the trial begins is helpful when pro se litigants are participating in the proceedings.

I HEREBY CERTIFY THAT THE ANSWERS TO THE ABOVE QUESTIONS ARE TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

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Sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Print Name)

Notary Public for South Carolina

My Commission Expires: \_\_\_\_\_